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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NANSEE PARKER, et al.,

Plaintiffs,

No. C 11-1457 PJH

v.

**ORDER**

DISH NETWORK, L.L.C.,

Defendant.

\_\_\_\_\_ /

The court has carefully reviewed the proposed order granting provisional certification of the settlement class and preliminary approval of the class action settlement agreement, as well as the proposed notice(s) to the class, and finds that additional modifications are required.

First, it is the court’s practice to allow class members to appear at the fairness hearing for purposes of objecting to the settlement, regardless of whether they have filed a written objection. Thus, paragraph 17 of the proposed order and paragraphs 17 and 20 of the proposed notice must be revised to indicate that the filing of a written objection is not a precondition for appearing at the hearing. Paragraph 20 of the proposed notice must be further revised to delete the provision regarding waiving the right to appeal from any court order concerning an objection.

In addition, the court does not approve the provision stating that the filing of an objection by a class member will allow class counsel or counsel for DISH to notice the deposition of such objecting class member and to seek “documentary evidence or other tangible things that are relevant to the objection.” Thus, paragraph 18 of the proposed

**United States District Court**  
For the Northern District of California

1 order must be deleted in its entirety, and paragraph 17 of the proposed notice must be  
2 revised to delete the reference to class counsel or counsel for DISH taking the deposition of  
3 and seeking evidence from an objecting class member.

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5 **IT IS SO ORDERED.**

6 Dated: November 21, 2011



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PHYLLIS J. HAMILTON  
United States District Judge

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